

REMARKS

Claims 8, 11, 12, 17, 19, 20, 22, 23, 25, and 36 have been amended; and Claims 8-20 and 22-51 are pending. Applicant has carefully considered the application in view of the Examiner's action and, in light of the foregoing amendments and the following remarks, respectfully requests reconsideration and full allowance of all pending claims.

Claims 8-20 and 22-51 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,282,522 to Davis et al. (hereinafter "Davis"). In response, Applicant has amended independent Claims 8, 25, and 36 such that they now clearly distinguish and are patentable over the cited references.

Specifically, independent Claims 8, 25, and 36 have been amended to more particularly point out and distinctly claim distinguishing characteristics of the subject matter which Applicant regards as his invention. To that end, Claims 8, 25, and 36 have been amended to recite (1) a central server configured for storing personal data associated with (2) each of multiple persons, wherein (3) the data is entered and controlled by the person himself, (4) which person may himself associate selected portions of personal data with a selected provider, and retrieved via a (5) point-of-sale (POS) terminal. These amendments are supported in the specification as originally filed, for example, at page 11, line 9 – page 12, line 4, by FIG. 6, and are considered to be apparent to a person having ordinary skill in the art based upon a review of the present description of the invention; it is therefore respectfully submitted that the foregoing amendments add no new matter to the application as originally filed.

The foregoing distinguishing characteristics provide Applicant's invention with numerous advantages not seen in the cited references. For example, because a person enters the data himself, Applicant's invention provides a person with greater control over the data. Furthermore, because the data is stored in a central server, Applicant's invention is much safer and more accessible than it would be with a smart card. Use of the central server also provides for economy of scale. The ability to associate selected portions of personal data with one or more particular providers facilitates making a transaction at a POS terminal.

Davis fails to teach or even suggest the combination of features enumerated above, such as enabling multiple persons to enter their respective personal data for storage in a common

central server and retrieval from a POS terminal. In clear contrast to Applicant's invention as recited in independent Claims 8, 25, and 36, Davis discloses storing personal data in a smart card for transacting business via the Internet.

The Examiner suggests that the authentication server 206' *can* be considered a central server with respect to customer's personal data. However, the authentication server 206', described in Davis (only at col. 26, lines 28-48), fails to teach or suggest storing a user's personal data there; much less does Davis teach or suggest a user himself storing personal data in the authentication server 206'. While a user may be able to store data in a smart card, a smart card is limited to storing data for use by a single person, not multiple persons as claimed by Applicant.

Still further, Davis is configured for transacting business on the Internet, and not at a POS terminal as claimed by Applicant. The Examiner has noted that Davis makes mention of a POS terminal at col. 3, lines 26+. However the reference to the POS terminal cited by the Examiner is in the Background of Davis, relating to the prior art, and there is no other reference to a POS terminal in the Summary or Detailed Description of the invention of Davis. In fact, Davis, at col. 5, line 55 – col. 6, line 15, teaches against use of a POS terminal by a consumer in making transactions. Moreover, it is not at all clear Davis would, or even could, be implemented in conjunction with a POS terminal, much less what motivation there would be to do same, given what Davis asserts at col. 5, line 55 – col. 6, line 15. It is respectfully submitted that to implement Davis in conjunction with a POS terminal would be to destroy the intended functionality of Davis.

In view of the foregoing, it is apparent that Davis fails to teach, suggest, or anticipate the unique combination of features now recited in independent Claims 8, 25, and 36. It is therefore respectfully submitted that Claims 8, 25, and 36 clearly and precisely distinguish over Davis in a patentable sense, and are therefore allowable over that reference and the remaining references of record. Accordingly, it is respectfully requested that the rejection of Claims 8, 25, and 36 under 35 U.S.C. § 102(e) as being anticipated by Davis be withdrawn.

It is noted that dependent Claims 11, 12, 17, 19, 20, 22, 23 have been amended to be consistent with amendments made to independent Claim 8.

Claims 9-20, 22-24, 26-35, and 37-51 depend from and further limit independent Claims 8, 25, and 36 in a patentable sense, and, for this reason and the reasons set forth above, are also deemed to be in condition for allowance.

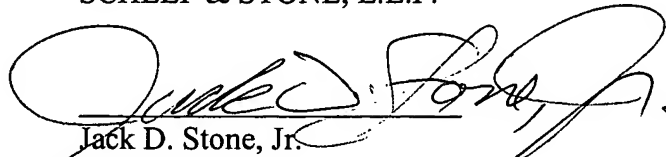
Applicant has carefully studied the prior art made of record and not relied on, and has concluded that this art does not prejudice the patentability of the invention as defined by the present claims. For this reason and the reason that they have not been applied against Applicant's claims, no further discussion of them is deemed necessary.

Applicant has now made an earnest attempt to place this application in condition for allowance. Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, full allowance of Claims 8-20 and 22-51 so that the application may be passed to issue.

Should the Examiner have any questions or desire clarification of any sort, or deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

SCHEEF & STONE, L.L.P.



Jack D. Stone, Jr.
Reg. No. 38,324

5956 Sherry Lane, Suite 1400
Dallas, Texas 75225
Telephone: (214) 706-4207
Fax: (214) 706-4242
jack.stone@scheefandstone.com